

Notice of Allowability

Application No.

10/628,584

Applicant(s)

LABROU ET AL.

Examiner

Adam Levine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments and remarks submitted with request for continued examination, 20 August 2007.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070919
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 6 April 2007, 20 August 2007.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on August 20, 2007, has been entered.

Applicant's submission dated August 20, 2007, is responsive to the office action mailed April 19, 2007. Claims 1,3-6,8, and 19-21 are amended. Specification paragraphs 0055, 0057, 0058, 0061-0065, 0128, and 0574 are also amended. Claims 1-31 are pending.

Response to Amendment

Pertaining to objection to the drawings in the previous office action

The amendments to specification paragraphs 0055, 0057, 0058, 0061-0065, 0128, and 0574 have adequately addressed the basis for the previous drawing objections and the objections are therefore withdrawn.

Pertaining to objections to the claims in the previous office action

The claims were objected to because a claim that depends from a dependent claim should not be separated by any claim, which does not also depend from said

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dependent claim. See MPEP § 608.01(n). Applicant acknowledges that the claims will be renumbered upon allowance.

Claim 1 was objected to for two informalities. The amendment has corrected both informalities and the objections are therefore withdrawn.

Pertaining to claim rejections under 35 USC §112 in the previous office action

Claim 6 was rejected under 35 U.S.C. 112, first paragraph, because the specification did not reasonably provide enablement for “manually discovering one or more merchant devices.” The claim has been adequately amended and the rejection is withdrawn.

Response to Arguments

Pertaining to rejections under 35 USC §103 in the previous office action

Applicant's argument, see remarks filed August 20, 2007, with respect to claim 1, has been fully considered and is persuasive in light of the amendments filed therewith. The rejection of claims 1-31 has been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mehdi Sheikerz (Reg. No. 41,307) on September 19, 2007.

The application has been amended as follows:

In the Claims

Claims 1, 3, 9, and 30 have been amended as follows:

1. (currently amended) A method for conducting a purchasing agreement for goods and services between a consumer and a merchant through a secure transaction server (STS) as a trusted third party, comprising:

generating, by the consumer independently of the merchant and the STS, a first consumer view of the purchasing agreement secured based upon both a first mobile device parameter stored in a consumer mobile device and a second mobile device parameter input to the consumer mobile device;

transmitting over an open and non-secure wireless communication channel the first secured consumer view of the purchasing agreement to the merchant;

generating, by the merchant independently of the consumer and the STS, a second-secured merchant view of the agreement;

transmitting the first-consumer and second-merchant views of the agreement to the STS; and

verifying, by the STS, conditions of the purchase agreement including identities of the merchant and the consumer in the independently generated secured consumer and merchant views of the purchase agreement, based upon a symmetric agreement verification protocol using the first and second consumer mobile device parameters for the secured consumer view; and

taking action, by the STS, executing the purchasing agreement based upon the verifying of the purchasing agreement.

3. (currently amended) The method of claim 2, wherein a merchant device

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generates the ~~second~~-secured merchant view, and the open and non-secure wireless communication channel is a local wireless communication network between the consumer mobile device and the merchant device.

9. (currently amended) The method of claim 8, further comprising:
transmitting by the consumer mobile device a request for the purchase order for the purchase to the merchant device;
preparing by the merchant device the purchase order with the purchase detail information including pricing and transmitting the purchase order to the consumer device; and
upon receiving the purchase order by the consumer device, authorizing by the consumer mobile device a payment for the purchase order,
wherein the ~~first~~-consumer view and the ~~second~~-merchant view are generated based upon the purchase order.

30. (currently amended) The method as in any one of claims 1, 2 and 3, further comprising:
sending, by the consumer, an explicit generate-purchase-order to the merchant,
creating, by the merchant, a purchase order corresponding to the purchasing agreement and sending the purchase order to the consumer,
wherein the ~~first~~-consumer view and the ~~second~~-merchant view are generated based upon the purchase order.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1

Claim 1 recites a method for conducting a purchasing agreement for goods and services between a consumer and a merchant through a secure transaction server (STS) as a trusted third party, comprising *inter alia*:

generating, by the consumer independently of the merchant and the STS, a consumer view of the purchasing agreement secured based upon both a first mobile device parameter stored in a consumer mobile device and a second mobile device parameter input to the consumer mobile device;

transmitting over an open and non-secure wireless communication channel the secured consumer view of the purchasing agreement to the merchant;

generating, by the merchant independently of the consumer and the STS, a secured merchant view of the agreement;

transmitting the consumer and merchant views of the agreement to the STS; and
verifying, by the STS, conditions of the purchase agreement including identities of the merchant and the consumer in the independently generated secured consumer and merchant views of the purchase agreement, based upon the first and second consumer mobile device parameters for the secured consumer view;

With regard to previously cited prior art, applicants' remarks submitted August 20, 2007, accurately state the distinguishing features in the amended claim. With regard to newly cited references, Davis et al. (US Pub. No. 2002/0196944 A1), Arditti et al. (US Patent No. 7,003,499 B2), Shibuya et al. (US Pub. No. 2003/0061486 A1), and Takahashi et al. (US Patent No. 6,377,692 B1), each reference teaches the use of two

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parameters to secure an agreement. Davis teaches issuing a first and second key to a user and then receiving input from the user and processing the input if it contains both keys. Arditti teaches issuing first and second codes. After both codes are authenticated, only one is necessary to use the service. Shibuya teaches receiving and authenticating a first key from a customer, and if the results are affirmative, then generating a second key for transmittal to a shop computer. Takahashi teaches preparing a first and second key for electronic signature, alternating use of the keys, and offering third and fourth keys for confirming the electronic signature of the first and second keys. None of these references, however, teach or fairly and reasonably suggest a method for conducting a purchasing agreement for goods and services between a consumer and a merchant through a secure transaction server (STS) as a trusted third party, comprising *inter alia*:

generating, by the consumer independently of the merchant and the STS, a consumer view of the purchasing agreement secured based upon both a first mobile device parameter stored in a consumer mobile device and a second mobile device parameter input to the consumer mobile device;

transmitting over an open and non-secure wireless communication channel the secured consumer view of the purchasing agreement to the merchant;

generating, by the merchant independently of the consumer and the STS, a secured merchant view of the agreement;

transmitting the consumer and merchant views of the agreement to the STS; and
verifying, by the STS, conditions of the purchase agreement including identities

of the merchant and the consumer in the independently generated secured consumer and merchant views of the purchase agreement, based upon the first and second consumer mobile device parameters for the secured consumer view.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Electronic payment systems, involving mobile phones (list of e-products, 15 listings), [online] Electronic Payment System Observatory (the ePSO website aims to monitor the progress of retail payment innovation throughout Europe, ePSO inventory of E-Payment services - List of e-products) (26 pages). European Central Bank, Frankfurt, Germany, 2002 [retrieved September 11, 2002]. Retrieved from the Internet: <<http://epso.intrasoft.lu>>. (Paper # 20070412; Form PTO-1449, submitted December 27, 2006). Teaches payment by phone option including opening an account using a phone number and accessing the account by way of the phone number and a PIN that would be input after accessing the account to confirm the transaction.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571.272.6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine
Patent Examiner
September 19, 2007



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